



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,542	12/13/2005	Katsushi Ohizumi	64649 (70904)	5176

21874 7590 06/14/2010  
EDWARDS ANGELL PALMER & DODGE LLP  
P.O. BOX 55874  
BOSTON, MA 02205

EXAMINER
----------

DAZENSKI, MARC A

ART UNIT	PAPER NUMBER
----------	--------------

2621

MAIL DATE	DELIVERY MODE
-----------	---------------

06/14/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/560,542	<b>Applicant(s)</b> OHIZUMI ET AL.	
	<b>Examiner</b> MARC DAZENSKI	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19, 22 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19, 22 and 26-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 16 March 2010 have been fully considered but they are not persuasive.

On pages 14-15 of the remarks, Applicant argues that Miwa does not disclose “the adding of an additional function(s) to the original functional capabilities as disclosed by the present specification,” and that figures 5, 6D, and 9A of Miwa show “user operation limitations information is multiplexed in (combined with) AV (audio/visual) data...” (Applicant also points to page 19, lines 2-14 as well as page 48 in formulating their response as an example of correlation information that does not include the scene specifying information 22a). The examiner respectfully disagrees.

First, the examiner notes that the limitation “...and also in which the time information is separated from the content data” is worded so broadly that any data recorded on a medium would fulfill the limitation. In other words, two pieces of data recorded on a medium are inherently “separated from” each other by nature of them being different. Being recorded in different blocks or logical areas of a disc is one example of data being separated from each other, but the claim as written only requires that “the time information is separated from the content data” which the examiner maintains is inherent for any two different pieces of data.

Second, the examiner notes that the PCI data containing the mask flag (see e.g. figure 9A) is stored in a management information pack (see e.g. figure 6D) that is

Art Unit: 2621

separate from the video packs (the claimed "content data"). Further, previously disclosed figures 12-13 show PGC user operation limitation information (a11) which is stored independently of the VOBs in a specific VTS.

Third, on page 14 of the remarks Applicant explains "hence, with the structure of the present invention it is possible to freely add functions after the initial AV recording to any operation information at any time without the necessity of rewriting the AV data. This freedom is not present in...the Miwa reference's disclosure. This is because the user operation limitations information is multiplexed in the AV data in Miwa thereby making it inseparable therefrom as recorded without rerecording." The examiner notes that the newly added limitation to claim 1 ("...and also in which the time information is separated from the content data") is not the same as the explanation given at the end of the last paragraph of page 14. Further, such "after-recording" areas are well-known in the art.

A full rejection of the pending claims appears below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-11, 13, 19, 22, and 26-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumagari et al (US PgPub 2003/0161615), hereinafter referred to

Art Unit: 2621

as Tsumagari, further in view of Miwa et al (US Patent 6,553,179), hereinafter referred to as Miwa.

Regarding **claim 1**, Tsumagari discloses an enhanced navigation system using digital information medium. Further, Tsumagari discloses a DVD-Video player incorporating an enhanced navigation system (ENAV system), which reads on the claimed, “an information reproducing apparatus for controlling, in accordance with a manipulation input, reproduction of content data read out from a content recording medium,” as disclosed at paragraph [0022] and exhibited in figure 1; the apparatus comprising:

DVD-Video player (100) comprising ENAV engine (300) for playing back and processing ENAV contents (30) which include video information (text, still image, moving image, or animation), storyboard (still image), scenario (text), and other data (audio data and the like), the contents being controlled by event controller (310) which receives user events corresponding to user operations (menu call, title jump, playback start/stop/pause and so forth) and generates the events corresponding to the user event control signal, which reads on the claimed, “additional function information reading means for reading out, from the content recording medium, additional function information indicating an additional function correlated with the manipulation input; and additional function executing means for executing the additional function in response to the manipulation input,” as disclosed at paragraphs [0058], [0072], [0088], [0176], and [0093].

However, Tsumagari fails to disclose the remaining limitations of the claim. The examiner maintains it was well known to include the missing limitations, as taught by Miwa.

In a similar field of endeavor, Miwa discloses an optical disc for coordinating the use of special reproduction functions and a reproduction device for the optical disc. Further, Miwa discloses a “mask flag” included in the PCI and PGC information which is used to indicate whether or not certain functions are allowed or not during reproduction of certain VOB's, including the invalidation of activation of functions which use fast-forward, which reads on the claimed, “wherein the content recording medium stores data having a data structure in which the additional function information corresponds with time information which indicates, based on a set of start and end positions specifying a scene in the content data, the manipulation input is allowed or prohibited, and also in which the time information is separated from the content data,” as exhibited in figures 9A, 10A, 12-13, and 35 as well as their corresponding texts (with particular emphasis on, e.g., column 23, lines 6-11 and column 18, lines 42-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Tsumagari to include a “mask flag” included in the PCI and PGC information which is used to indicate whether or not certain functions are allowed or not during reproduction of certain VOB's, including the invalidation of activation of functions which use fast-forward, as taught by Miwa, for the purpose of ensuring that information regarded as important by the title developer, such as commercials, definitely be displayed to the user (see e.g., column 4, lines 33-38).

Regarding **claim 2**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 3**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 4**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 5**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 6**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see claim 5). Further, Tsumagari discloses ENAV playback information comprising commands variables, including a command and variable which are used to change an audio level (a command that instructs to change an audio level and a variable that designates an audio level after change), as well as audio output controller (354) which has a function of selecting audio output of ENAV engine when audio data is out from only ENAV engine but not DVD-Video playback engine as well as switching and selecting audio output of the ENAV engine and the DVD-Video playback engine in accordance with an output method of user's choice from the user operation unit, which reads on the claimed, "the additional function information includes a flag

Art Unit: 2621

indicating whether or not sound of the content data is muted while the audio information is reproduced,” as disclosed at paragraphs [0115] and [0125]-[0126].

Regarding **claim 7**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see any one of claims 1-6). Further, Tsumagari discloses the ENAV contents are displayed in synchronism (or connection or combination) with a change in contents (change in scene) of DVD-Video contents (10) while playing back a scene of a movie or drama as DVD-Video contents, which reads on the claimed, “the additional function information is so set as to correspond to each scene of the content data,” as disclosed at [0181].

Regarding **claim 8**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see any one of claims 1-6). Further, Tsumagari discloses DVD-Video playback engine (200) and ENAV playback engine (300) displaying a menu upon a user’s request of pressing a menu button on a remote controller, which reads on the claimed, “main function control information reading means for reading out, from the content recording medium, main function control information indicating whether or not execution of a main function is approved, which main function is a function intrinsically corresponding to the manipulation input; and main function control means for controlling, in accordance with the main function control information, the execution of the main function, which execution is carried out in response to the manipulation input,” as disclosed at paragraphs [0186]-[0190].



Regarding **claim 9**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see claim 8). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 7 above.

Regarding **claim 10**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see claim 8). Further, Tsumagari discloses when a user presses a menu button on the remote controller, a user event controller (310) in ENAV engine (300) receives this signal, and when the operation which is not expected as any user even is executed at the user operation unit, even generation-command-property processor (320) outputs an event control signal that "blocks a user event corresponding to user's operation at that time" so that controller (310) can inhibit "a specific event from being transmitted according to a script described in the ENAV contents," which reads on the claimed, "a function for notifying information concerning disapproval of execution of the main function is assigned, as an additional function, to the manipulation input corresponding to the main function whose execution is disapproved by the main function control information," as disclosed at paragraph [0218].

Regarding **claim 11**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see claim 8). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 10 above.

Regarding **claim 13**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see any one of claims 1-5). Further, Tsumagari discloses a menu call operation that produces a DVD-Video menu or displays a still image at the moment of pausing playback which continues until the user makes the next

Art Unit: 2621

operation (menu button operation, pause button operation, or the like), which reads on the claimed, "the manipulation input corresponds to either (i) manipulation of suspending the reproduction of the content data or (ii) manipulation of halting the reproduction of the content data, and a function for notifying information different from the content data that is being reproduced is assigned, as an additional function, to the manipulation input," as disclosed at paragraph [0207].

Regarding **claim 19**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see claim 10). Further, Tsumagari discloses an interactive mode using the ENAV contents, the interactive mode including a mixed frame mode that displays DVD-Video playback images and ENAV contents playback image together, which reads on the claimed, "the additional function is a function for notifying the information such that the information is overlaid with the content data that is being reproduced," as disclosed at paragraphs [0165]-[0167].

Regarding **claim 22**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see claim 13). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 19 above.

Regarding **claim 26**, the examiner maintains that the claim is merely the corresponding method to the apparatus of claim 1, and therefore the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 27**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 25 above.

Regarding **claim 28**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see any one of claims 1-6). Further, the examiner maintains that the claim is merely the corresponding program controlling the apparatus of any one of claims 1-6, and therefore the limitations of the claim are rejected in view of the explanation set forth any one of claims 1-6 above.

Regarding **claim 29**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see any one of claims 1-6). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 28 above.

Regarding **claim 30**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see claim 8). Further, the limitations of the claim are rejected in view of the explanation set forth in claims 1 and 8 above.

Regarding **claim 12**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see claim 8). However, the combination fails to disclose the remaining limitations of the claim. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Evans.

In a similar field of endeavor, Evans discloses playback control methods and arrangements for a DVD player. Further, Evans discloses a “controlled unlocking” or restricted access feature to all or portions of DVD content (110) controlled by player application (102), in which the application can notify the user of the required parental level that is required to continue playing DVD content (110), which reads on the claimed, “wherein a function for notifying information representing an approved

Art Unit: 2621

manipulation input is assigned, as an additional function, to the manipulation input corresponding to the main function whose execution is disapproved by the main function control information,” as disclosed at column 5, lines 61-65 and column 6, lines 45-51.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Tsumagari and Miwa to include discloses a “controlled unlocking” or restricted access feature to all or portions of DVD content (110) controlled by player application (102), in which the application can notify the user of the required parental level that is required to continue playing DVD content (110), as taught by Evans, for the purpose of negating a user having to guess a required level through trial and error.

**Claims 14-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumagari et al (US PgPub 2003/0161615), hereinafter referred to as Tsumagari, in view of Miwa et al (US Patent 6,553,179), hereinafter referred to as Miwa, further in view of Proehl (US Patent 6,614,844), hereinafter referred to as Proehl.

Regarding **claim 14**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see any one of claim 1-5). However, the combination fails to disclose the remaining limitations of the claim. The examiner maintains it was well known in the art to include the missing limitations, as taught by Proehl.

In a similar field of endeavor, Proehl discloses a method for watermarking a video display based on viewing mode. Further, Proehl discloses displaying different

Art Unit: 2621

types of data during a fast-forward operation, which reads on the claimed, “wherein the manipulation input corresponds to manipulation of changing either (i) a reproduction direction of the content data or (ii) reproduction speed of the content data, and a function for notifying information different from the content data that is being reproduced is assigned, as an additional function, to the manipulation input,” as disclosed at column 2, line 58 through column 3, line 15, and exhibited in figures 3A-3F.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Tsumagari and Miwa to include displaying different types of data during a fast-forward operation, as taught by Proehl, for the purpose of providing a usable viewer content even during a fast playback mode during which the regular video content may progress too quickly to provide any meaningful information.

Regarding **claim 15**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see any one of claims 1-5). Further the limitations of the claim are rejected in view of the explanation set forth in claim 14 above.

Regarding **claim 16**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see any one of claims 1-5). However, Tsumagari fails to disclose the remaining limitations of the claim. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Proehl.

In a similar field of endeavor, Proehl discloses a method for watermarking a video display based on viewing mode. Further, Proehl discloses watermark data can be added to selected key frames in the video stream to act as bookmarks for those

Art Unit: 2621

selected frames so they can be easily located during fast playback, which reads on the claimed, "the manipulation input corresponds to manipulation of carrying out fast-forwarding of the content data, and a function for (i) carrying out the fast-forwarding of the content data until a predetermined position and (ii) reproducing the content data at normal speed from the predetermined position is assigned, as an additional function, to the manipulation input," as disclosed at column 2, line 65 through column 3, line 1 and exhibited in figure 3A.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Tsumagari and Miwa to include watermark data can be added to selected key frames in the video stream to act as bookmarks for those selected frames so they can be easily located during fast playback, as taught by Proehl, for the purpose of providing a usable viewer content even during a fast playback mode during which the regular video content may progress too quickly to provide any meaningful information.

Regarding **claim 17**, the combination of Tsumagari and Miwa discloses everything claimed as applied above (see any one of claims 1-5). Further the limitations of the claim are rejected in view of the explanation set forth in claim 14 above.

Regarding **claim 18**, the combination of Tsumagari, Miwa, and Proehl discloses everything claimed as applied above (see claim 17). Further the limitations of the claim are rejected in view of the explanation set forth in claim 17 above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/MARC DAZENSKI/  
Examiner, Art Unit 2621